



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 11, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 531 HD3 SD2 CD1

On July 10, 2007, House Bill No. 531 entitled "A Bill for an Act Relating to Children" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a "Hawaii 3-5 Transition" task force to study the feasibility of expanding eligibility, pursuant to Part C of the Individuals with Disabilities in Education Act (IDEA), for services from the Department of Health's (DOH) Early Intervention Section to children between 3 to 5 years old who have developmental disabilities. The task force is to submit a report on its findings no later than 20 days prior to the start of the 2008 legislative session, which would be early January 2008. The task force is appropriated \$120,000 for fiscal year 2007-2008. The task force shall cease to exist at the end of the 2008 regular legislative session.

While the objectives of enriching services for early childhood care have merit, I find this bill does not provide sufficient time to study the critical issues that it requests be studied and then to prepare a comprehensive report. The Department of Education, the Department of Health (DOH), and the University of Hawaii's Center for Disability Studies have all expressed concerns that the timeline is too short to accomplish the tasks that are requested in this measure.

The task force must identify the potential number of children who would be served in this new population and who may benefit from intervention services under Part B of the IDEA; research evidence-based practices and service models; define the array of services and derive resource and cost projections; and conduct a needs assessment, including a statewide qualitative study of families of young children who are receiving special education, as well as those who have exited from intervention services.

Conducting the feasibility study will be further hampered because the final federal regulations have not been issued implementing Part B of the Individuals with Disabilities in Education Act of 2004 (PL 108-446). The proposed regulations for 34 Code of Federal Regulations Part 303 were recently published for the notice and comment period. The final

The Honorable Colleen Hanabusa, President
and Members of the Senate
Page 2

federal regulations will not be issued until later this year. Thus, the task force's efforts may be premature.

In addition, this bill proposes to create a large, diverse group that is representative of the affected State agencies, providers, advocates, family members, and other stakeholders. Six months is insufficient time for the task force members to be identified, meet and develop a work plan, explore the relevant topics, develop a state-community-family consensus on issues, and draft, review, finalize, and submit a comprehensive report.

For the foregoing reasons, I allowed House Bill No. 531 to become law as Act 289, effective July 10, 2007, without my signature.

Sincerely,

A handwritten signature in dark ink, appearing to read 'L. Lingle', with a stylized, cursive script.

LINDA LINGLE